

Applicant : Thomas N. Corwin
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REMARKS

Claim 13, the only pending claim in the application, stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,079,167 to Voegelé, Jr. in view of U.S. Patent No. 5,561,952 to Damron.

Claim 13 is directed to a building having a roof structure including rafters, and a skylight mounted on the rafters, with "the rafters on which the skylight is mounted being comprised of plastic members having a plurality of openings that allow air to . . . flow" This arrangement is illustrated in Figs. 4 and 5.

None of the applied references teach anything about mounting a skylight on plastic rafters having a plurality of openings that allow air to flow. It is well established that a *prima facie* case of obviousness cannot be established unless the prior art references teach or suggest all of the claim limitations. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Because the prior art does not teach or suggest the required plastic rafters having ventilation openings, the combination of applied references do not teach or suggest all of the required elements of the claim, and therefore do not establish *prima facie* obviousness.

During a teleconference initiated by the Examiner's Supervisor, Carl D. Friedman, on March 22, 2006, Mr. Friedman acknowledged that during review of the file he had determined that the applied references fail to teach or suggest the required building structure having a skylight mounted on plastic rafters "having a plurality of openings that allow air to . . . flow," and therefore fail to establish *prima facie* obviousness of the claimed invention.

In view of the fact that the applied prior art references do not provide an adequate foundation for establishing *prima facie* obviousness, withdrawal of the rejection and allowance of the application are appropriate.

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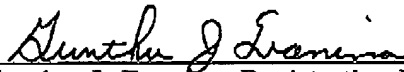
CONCLUSION

For the reasons set forth above, it is respectfully submitted that the application is in condition for allowance and notice of the same is requested.

Respectfully submitted,

March 22, 2006

Date



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